

RESOLUTION NO. 02-31

A Resolution of the Governing Board of the South Coast Air Quality Management District (Governing Board) certifying the Notice of Exemption prepared for Proposed Amended Rule 1302 – Definitions, Proposed Amended Rule 1303 – Requirements, Proposed Amended Rule 1306 – Emission Calculations, Proposed Amended Rule 1309 – Emission Reduction Credits and Short Term Credits, and Proposed Rule 1309.2 – Offset Budget.

A Resolution of the Governing Board amending Proposed Amended Rule 1302 – Definitions, Proposed Amended Rule 1303 – Requirements, Proposed Amended Rule 1306 – Emission Calculations, Proposed Amended Rule 1309 – Emission Reduction Credits and Short Term Credits, and adopting Proposed Rule 1309.2 – Offset Budget.

WHEREAS, the AQMD Governing Board reviewed the proposed project and determined with certainty that Proposed Amended Rule 1302 - Definitions, Proposed Amended Rule 1303 - Requirements, Proposed Amended Rule 1306 – Emission Calculations, Proposed Amended Rule 1309 – Emission Reduction Credits and Short Term Credits, and Proposed Rule 1309.2 – Offset Budget; are a “project” pursuant to the terms of the California Environmental Quality Act (CEQA); and

WHEREAS, AQMD staff has prepared a Notice of Exemption pursuant to state CEQA Guidelines Section 15061(b)(3), of Proposed Amended Rule 1302 – Definitions, Proposed Amended Rule 1303 – Requirements, Proposed Amended Rule 1306 – Emission Calculations, Proposed Amended Rule 1309 – Emission Reduction Credits and Short Term Credits, and Proposed Rule 1309.2 – Offset Budget; and

WHEREAS, the Governing Board finds and determines, taking into consideration the factors in Section (d)(4)(D) of the Governing Board Procedures, that the modifications adopted which have been made to Proposed Rule 1302 – Definitions, Proposed Amended Rule 1303 – Requirements, Proposed Amended Rule 1306 – Emission Calculations, Proposed Amended Rule 1309 – Emission Reduction Credits and Short Term Credits, and Proposed Rule 1309.2 – Offset Budget; since notice of public hearing was published do not significantly change the meaning of the proposed rule within the meaning of Health & Safety Code

Section 40726 and would not constitute significant new information pursuant to CEQA Guidelines Section 15088.5; and

WHEREAS, the Governing Board has determined that the socioeconomic impact assessment of Proposed Amended Rule 1302 – Definitions, Proposed Amended Rule 1303 – Requirements, Proposed Amended Rule 1306 – Emission Calculations, Proposed Amended Rule 1309 – Emission Reduction Credits and Short Term Credits, and Proposed Rule 1309.2 – Offset Budget; is consistent with the Governing Board March 17, 1989 and October 14, 1994 Socioeconomic Resolution for rule adoption; and

WHEREAS, the Governing Board has determined that the socioeconomic assessment of the Proposed Amended Rule 1302 – Definitions, Proposed Amended Rule 1303 – Requirements, Proposed Amended Rule 1306 – Emission Calculations, Proposed Amended Rule 1309 – Emission Reduction Credits and Short Term Credits, and Proposed Rule 1309.2 – Offset Budget; complies with the provisions of Health and Safety Code Sections 40440.8, 40728.5 and 40920.6; and

WHEREAS, the Governing Board has reviewed and considered the staff's findings related to cost and employment impacts of Proposed Amended Rule 1302 – Definitions, Proposed Amended Rule 1303 – Requirements, Proposed Amended Rule 1306 – Emission Calculations, Proposed Amended Rule 1309 – Emission Reduction Credits and Short Term Credits, and Proposed Rule 1309.2 – Offset Budget; as set forth in the socioeconomic impact assessment, and hereby finds and determines that cost and employment impacts are as set forth in that assessment; and

WHEREAS, a socioeconomic impact assessment concluded that Proposed Amended Rule 1302 – Definitions, Proposed Amended Rule 1303 – Requirements, Proposed Amended Rule 1306 – Emission Calculations, Proposed Amended Rule 1309 – Emission Reduction Credits and Short Term Credits, and Proposed Rule 1309.2 – Offset Budget; will not impose any additional compliance costs on affected sources, and as such, will not result in any adverse socioeconomic impacts; and

WHEREAS, the Governing Board has determined that Proposed Amended Rule 1302 – Definitions, Proposed Amended Rule 1303 – Requirements, Proposed Amended Rule 1306 – Emission Calculations, Proposed Amended Rule 1309 – Emission Reduction Credits and Short Term Credits, and Proposed Rule 1309.2 – Offset Budget; are not control measures in the 1997 Air Quality Management Plan

(AQMP) amended in 1999 and thus were not ranked by cost-effectiveness relative to other AQMP control measures in the amended 1997 AQMP; and

WHEREAS, the Governing Board has determined that a need exists to amend Rule 1302 – Definitions, Rule 1303 – Requirements, Rule 1306 – Emission Calculations, Rule 1309 – Emission Reduction Credits and Short Term Credits, and to adopt Rule 1309.2 – Offset Budget; to improve the effectiveness of AQMD's New Source Review program by providing new and expanding stationary sources with additional options to offset emissions increases.

WHEREAS, the Governing Board obtains its authority to adopt, amend, or repeal rules and regulations from California Health and Safety Code Sections 39002, 40000, 40001, 40702, 40709 and 40709.5; and

WHEREAS, the Governing Board has determined that Proposed Amended Rule 1302 – Definitions, Proposed Amended Rule 1303 – Requirements, Proposed Amended Rule 1306 – Emission Calculations, Proposed Amended Rule 1309 – Emission Reduction Credits and Short Term Credits, and Proposed Rule 1309.2 – Offset Budget, have been written or displayed so that their meaning can be easily understood by the persons affected by them; and

WHEREAS, the Governing Board has determined that Proposed Amended Rule 1302 – Definitions, Proposed Amended Rule 1303 – Requirements, Proposed Amended Rule 1306 – Emission Calculations, Proposed Amended Rule 1309 – Emission Reduction Credits and Short Term Credits, as proposed to be amended, and Proposed Rule 1309.2 – Offset Budget, as proposed to be adopted, are in harmony with, and not in conflict with or contradictory to, existing federal or state statutes, court decisions, or regulations; and

WHEREAS, the Governing Board has determined that Proposed Amended Rule 1302 – Definitions, Proposed Amended Rule 1303 – Requirements, Proposed Amended Rule 1306 – Emission Calculations, Proposed Amended Rule 1309 – Emission Reduction Credits and Short Term Credits, as proposed to be amended, and Proposed Rule 1309.2 – Offset Budget, as proposed to be adopted, do not impose the same requirements as any existing state or federal regulations and are necessary and proper to execute the powers and duties granted to, and imposed upon, the District; and

WHEREAS, the Governing Board in amending Proposed Amended Rule 1302 – Definitions, Proposed Amended Rule 1303 – Requirements, Proposed Amended Rule 1306 – Emission Calculations, Proposed Amended Rule 1309 –

Emission Reduction Credits, as proposed to be amended, and Proposed Rule 1309.2 – Offset Budget, as proposed to be adopted, reference the following statutes which the AQMD hereby implements, interprets or makes specific: federal Clean Air Act Sections 110, 172(c)(5), 173, (42 U.S.C. Sections 7410, 7501, 7502(c)(5), and 7503); and Health and Safety Code Sections 40001, 40702, 40709, 40709.5, 40710, 40711, 40714.5, and 40920.5; and

WHEREAS, the AQMD Governing Board finds and determines, taking into consideration the factors in Section (d)(4)(D) of the Governing Board Procedures, that the modifications adopted which have been made to Proposed Amended Rule 1303 – Requirements, Proposed Amended Rule 1306 – Emission Calculations, Proposed Amended Rule 1309 – Emission Reduction Credits and Short-term Credits and Proposed Rule 1309.2 – Offset Budget, since notice of public hearing was published do not significantly change the meaning of the proposed and proposed amended rules within the meaning of Health and Safety Code Section 40726 and would not constitute significant new information pursuant to CEQA Guidelines Section 15088.5; and

WHEREAS, a public hearing has been properly noticed in accordance with the provisions of Health and Safety Code Section 40725; and

WHEREAS, the Governing Board has held a public hearing in accordance with all provisions of law; and

WHEREAS, the AQMD specifies the manager of Proposed Amended Rule 1302 – Definitions, Proposed Amended Rule 1303 – Requirements, Proposed Amended Rule 1306 – Emission Calculations, Proposed Amended Rule 1309 – Emission Reduction Credits and Short Term Credits, and Proposed Rule 1309.2 – Offset Budget, as the custodian of the documents or other materials which constitute the record of proceedings upon which the adoption of this proposed amendment is based, which are located at the South Coast Air Quality Management District, 21865 E. Copley Drive, Diamond Bar, California, and

WHEREAS, the Governing Board hereby directs staff to submit Proposed Amended Rule 1302 – Definitions, Proposed Amended Rule 1303 – Requirements, Proposed Amended Rule 1306 – Emission Calculations, Proposed Amended Rule 1309 – Emission Reduction Credits and Short Term Credits, and Proposed Rule 1309.2 – Offset Budget, except for sub-paragraphs (b)(2)(c) and (c)(9) regarding the amount of the mitigation fee and purchase price, to the United

States Environmental Protection Agency for revisions to the State Implementation Plan., and

WHEREAS, the Governing Board hereby directs staff to use mitigation fee proceeds collected pursuant to paragraph (b) (4) of Proposed Rule 1309.2 – Offset Budget to fund emission reduction programs, monitor the cost of reductions achieved, review, at least annually, the adequacy of the mitigation fee level, and, if necessary, propose adjustments to the mitigation fee level at duly noticed public hearings, and

WHEREAS, the Governing Board hereby directs staff to adjust the pre-1990 credits in the AQMD account to a level that demonstrates they are currently surplus emission reductions, and

WHEREAS, the Governing Board hereby directs staff to expeditiously develop a rule for Board consideration that establishes the requirements for an emission credit tracking system for Regulation XIII – New Source Review, and

WHEREAS, the Governing Board hereby directs staff to modify the Status Report on Regulation XIII – New Source Review, approved on August 2, 2002, to adjust the AQMD State Offset Account balances by the amount of the expired permit source shutdown credits for years 2000 and 2001 used to fund the Offset Budget to ensure these credits are not used to demonstrate equivalency with state New Source Review requirements and initiate discussions with California Air Resources Board to revise AQMD’s demonstration of meeting the State’s “no-net emissions increase” requirements, and

NOW, THEREFORE, BE IT RESOLVED, that the AQMD Governing Board does hereby certify that the Notice of Exemption for Proposed Amended Rule 1302 – Definitions, Proposed Amended Rule 1303 – Requirements, Proposed Amended Rule 1306 – Emission Calculations, Proposed Amended Rule 1309 – Emission Reduction Credits and Short Term Credits, as proposed to be amended, and Proposed Rule 1309.2 – Offset Budget, as proposed to be adopted, has been completed in compliance with CEQA and that it has been presented to the Governing Board, whose members reviewed, considered and approved the information therein prior to acting on Proposed Amended Rule 1302 – Definitions, Proposed Amended Rule 1303 – Requirements, Proposed Amended Rule 1306 – Emission Calculations, Proposed Amended Rule 1309 – Emission Reduction Credits and Short Term Credits, and Proposed Rule 1309.2 – Offset Budget; and

BE IT FURTHER RESOLVED, that the Governing Board does hereby approve the Socioeconomic Impact Assessment; and

BE IT FURTHER RESOLVED, that the Governing Board does hereby adopt, pursuant to the authority granted by law, Proposed Amended Rule 1302 – Definitions, Proposed Amended Rule 1303 – Requirements, Proposed Amended Rule 1306 – Emission Calculations, Proposed Amended Rule 1309 – Emission Reduction Credits and Short Term Credits, and Proposed Rule 1309.2 – Offset Budget, as set forth in the attached and incorporated herein by reference.


Attachment

AYES: Antonovich, Bernson, Burke, Carney, Glover, LaPisto-Kirtley, Loveridge, Paulitz, Silva, Verdugo-Peralta and Wilson

NOES: NONE

ABSENT: Aguiar

DATE: 12-6-02



Jackie Dix, Clerk of the Board